

REMARKS

Claims 1, 13-16, 21-23 and 25-40 are pending. Applicants elect with traverse Group II (claims 13-16 and 25) and (L) the nucleotide sequences of SEQ ID NOS: 34 & 35 or the amino acid sequence of SEQ ID NO:36 for examination on the merits. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. For example, support for “stringent” hybridization is found at page 15, lines 21-24, of the specification and support for “at least 90%” or “at least 95%” sequence identity is found at pages 25-30 of the specification. At least new claims 27-29, 31-33, 35-36 and 38-39 should also be examined in this application because they are directed to the elected invention. Applicants reserve the right to prosecute non-elected subject matter in another patent application.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application. In particular, the fusion protein of claims 21, 26, 30, 34, 37 and 40 should be examined in this application. Applicants urge that claims 1 and 17-23 not be withdrawn from consideration.

Finally, Applicants request rejoinder of non-elected method claims upon an indication that an elected product claim is allowable.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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